

Item No. 33

21.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9586 of 2022

Nasir Khan
v.
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner.

Mr. Bibek Jyoty Basu
Ms. Rajlakshmi Ghatak
... for the State.

Mr. Niladri Sekhar Ghosh
Mr. S. Mondal
... for the respondent no. 8.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no. 8 at premises no. 4/1/5, Olabibitola 1st Bye Lane, Ward No. 42 under the jurisdiction of the Howrah Municipal Corporation.

Learned advocate for the private respondent admits that sanction has been granted by the Howrah Municipal Corporation for construction of G+2 storied building thereon.

The photographs annexed to the writ petition clearly shows that additional floors have been constructed.

Learned advocate representing the Howrah Municipal Corporation admits that additional floors have been constructed without obtaining any sanction from the Howrah Municipal Corporation.

The Howrah Municipal Corporation is directed to take prompt necessary steps to deal with such unauthorized construction in accordance with law. An opportunity of hearing be given to the petitioner and the private respondent.

A spot inspection shall be conducted by the Howrah Municipal Corporation to ascertain the nature of unauthorized construction upon prior notice to both the parties.

A reasoned order shall be passed at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

As it appears that construction is still going on in the said premises and there has been massive unauthorized construction, accordingly, the respondent no. 8 is restrained from making any construction whatsoever in the said premises till a decision is taken by the Howrah Municipal Corporation in this regard.

The Officer-in-Charge, Chatterjeehat Police Station is directed to keep strict vigil over the property to ensure that no construction is being made thereon.

The respondent no. 8 is also restrained from transferring, alienating or creating any third party interest in respect of the said property till a decision is taken by the Howrah Municipal Corporation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)